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C O N F I D E N T I A L SECTION 01 OF 02 NOUAKCHOTT 000075

SIPDIS

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TAGS: [PHUM](#) [KDEM](#) [PGOV](#) [MR](#)

SUBJECT: ONLINE JOURNALIST HANEVY OULD DEHAH RE-SENTENCED  
TO TWO YEARS IMPRISONMENT

REF: A. 10 NOUAKCHOTT 41

[B](#). 09NOUAKCHOTT 549

[C](#). 10 NOUAKCHOTT 73

[D](#). 10 NOUAKCHOTT 14

[E](#). 9 NOUAKCHOTT 823

Classified By: Ambassador Mark Boulware for Reasons 1.4 (b and d)

[1](#). (C) Summary: On February 4, Taqadoumy Website Editor Hanevy Ould Dehah was re-sentenced to two years imprisonment.

This was Dehah's second trial after authorities decided to keep him detained despite his having served his first six-month sentence, and to annul his first trial. Both Hanevy's lawyers and the Mauritanian National Bar Association (ONA) have denounced serious irregularities in due process including Hanevy's arbitrary detention since December 24, 2009, the date he completed his original sentence, and the decision to hold a second trial despite an ongoing appeals of the Supreme Court's overturn of the first trial. Lawyers plan to pursue this first appeal as well as appealing the second sentence with the Supreme Court. Nevertheless, they are aware this process will be long and understandably doubt the justice system's impartiality. Public statements calling for Hanevy's release have been numerous, including one from President Aziz's own party Union Pour la Republique (UPR). A public statement from Washington calling for the GIRM to observe due process would be helpful in raising this case's profile and persuading the government to back down while it still can. End summary.

[2](#). (C) To Hanevy's lawyers' surprise, Hanevy's second trial started on February 1. Moktar Ould Moktar, one of the lawyers, told PolOff on February 5 that this second trial was illegal because lawyers had appealed the Supreme Court's decision to annul the first trial on the grounds that due process was not respected. In fact, the Supreme Court made its decision before the legal deadline for lawyers to present their arguments and without Hanevy being represented, which is required by Mauritanian law (Ref A). A second trial should not have taken place until the appeal was resolved, said Ould Moktar. Furthermore, according to lawyers the legal process calls for Hanevy's release after his six-month sentence, and for the issuance of an arrest warrant leading to his re-arrest and placement on preventive detention. Without an arrest warrant, Hanevy's detention is arbitrary and in violation of the law.

[3](#). (C) At this second trial, accusations against Hanevy were identical to the initial ones, including those that had been dismissed in the first trial, such as inciting rebellion and defamation (Ref B). The public prosecutor requested five years imprisonment and a 50 million UM fine (USD \$185,000). Hanevy was found guilty, once more, of acts contrary to Islam as well as inciting rebellion and sentenced to two years imprisonment. As in the first trial, the judges based their decision on comments by a female website user calling for increased sexual freedom in Mauritania. Ould Moktar stated lawyers have 15 days to appeal this sentence from the day the sentence was pronounced. Nevertheless, the appeal process

will not start until the written sentence is received, which may take some time. Lawyers plan to pursue the appeal of the Supreme Court's decision to annul and an appeal of the second trial's sentence.

¶4. (C) The authorities moved ahead with the trial despite Ambassador's repeated demarches to the Minister of Justice, Prime Minister and Minister of Foreign Affairs, calling for respect of the law and due process (Refs C,D,E). PolOff also met with Human Rights Commissioner to persuade the government to issue an official declaration explaining Hanevy's situation but the statement was never released. Comment: A joint demarche planned by the Spanish Embassy in conjunction with other European missions and the U.S. never took place because the Spaniards were waiting for clearance from Madrid. End comment.

¶5. (C) Hanevy's case has shaken public opinion in Mauritania and internationally. In January, Reporters Without Borders described the authorities' refusal to release him as "totally unacceptable and scandalous." Hanevy's hunger strike, which ended in mid-January after imams pleaded with him to stop, was highly publicized in the Arab press. U.S. media has also reported on the case through a February 2 Wall Street Journal editorial entitled "An Ex-Islamist Needs U.S. Support," which describes Hanevy as someone who could have become a radical Islamist but chose instead to become an activist for democracy. The article challenges the U.S. government, "if it is sincere in its support for democratic reform", to "publicly demand the immediate release of Hanevy Ould Dehah." Another article entitled "Sex, Obama, and a Mauritanian Dissident," appeared in the Huffington Post on

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December 31 denouncing U.S. Embassy and State Department public silence in the face of Hanevy's plight despite President Obama's Cairo speech making a commitment to supporting reform in the Arab World. Mauritanian opposition parties, labor unions, the Mauritanian National Bar Association, the Mauritanian Journalist Association as well as President Aziz's own party Union Pour la Republique (UPR), have publicly called for Hanevy's liberation.

¶6. (C) Rumor has it that President Aziz himself is behind Hanevy's imprisonment and the government's unwillingness to back down on this issue. Comment: Many Mauritians believe that Hanevy is in possession of recordings that were found on a computer stolen from Aziz by his own son and sold for cash in Las Palmas. Some of these recordings, featuring conversations between high-level military and deposed President Abdallahi during Abdallahi's imprisonment following the coup, were released by Taqadoumy during the coup period. Hanevy's imprisonment would be a personal vengeance as well as a way of preventing further indiscretions. End comment. PolOff raised Hanevy's case with President of the Imam Association Hamden Ould Tah and attempted to gather support from imams to intercede with the President. Tah candidly responded that Hanevy's problem was a "tribal and a personal issue" and that if the U.S. wanted to do something for Hanevy, the only recourse would be for the Ambassador to intervene with President Aziz himself.

¶7. (C) Comment: Given the authorities' continued disregard for the Ambassador's private calls to respect the rule of law, Post recommends the Department calls on the GIRM to respect due process in the case in order to reaffirm its support for the rule of law and freedom of expression. End comment.  
BOULWARE